

67,014-005

REMARKS

Applicant thanks the Examiner for the remarks and analysis contained in the most recent Office Action. Claims 1-22 are still pending in this application. Applicant respectfully requests reconsideration of this application.

Applicant respectfully traverses the rejection under 35 U.S.C. §103 of claims 1-22 based upon the proposed combination of *Abe, et al.* with *Katsuta, et al.* There is no *prima facie* case of obviousness.

Applicant respectfully disagrees with the Examiner's interpretation of the teachings of the *Abe, et al.* reference. The Examiner contends that the bias of the biasing device 12 in *Abe, et al.* is "passively released and overcome by the force of the mover 5." (Page 2 of the most recent Office Action). The *Abe, et al.* document in column 4, lines 43-44, teaches the opposite. *Abe, et al.* teach, "the cylinder (12) is *actuated to lower* that member in synchronization with the upper cylinder (5)." (Emphasis added). There is no teaching in the *Abe, et al.* reference about the passive release of a bias or the force of another member overcoming the bias of the cylinder 12 in *Abe, et al.* Therefore, the proposed combination is not the same as the claimed invention and none of the claims can be considered obvious.

Further, there is no motivation for making the combination and, therefore, no *prima facie* case of obviousness. Assuming that the *Abe, et al.* reference could be interpreted as the Examiner contends, there is no benefit to adding the teachings of *Katsuta, et al.* and, therefore, the combination cannot be made. Adding an alignment member from *Katsuta, et al.* has no benefit for an arm rest assembly machine because arm rests do not include openings that would cooperate with such an alignment member.

67,014-005

Therefore, the addition to Abe et al. suggested by the Examiner does not provide any benefit. Without any benefit, there is insufficient legal motivation for making a combination and no *prima facie* case or obviousness.

Applicant respectfully submits that this case is in condition for allowance. If the Examiner believes that a telephone conference will facilitate moving this case forward to being issued, Applicant's representative will be happy to discuss any issues regarding this application and can be contacted at the telephone number indicated below.

Respectfully submitted,

CARLSON, GASKEY & OLDS

By: 

David J. Gaskey  
Registration No. 37,139  
400 W. Maple Rd., Ste. 350  
Birmingham, MI 48009  
(248) 988-8360

October 8, 2004

**CERTIFICATE OF FACSIMILE**

I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office (Fax No. (703) 872-9306) on October 8, 2004.

  
David J. Gaskey

N:\Clients\AUTOMATED SOLUTIONS\IP00005\patent\Response 10-8-04.doc